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April 17, 2023

VIA ECF

The Hon. Paul G. Gardephe  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: *Glaz LLC, et al. v. Sysco Corp.*, No. 23-CV-02489-PGG (S.D.N.Y.)

Dear Judge Gardephe:

We write on behalf of Respondent Sysco Corporation (“Sysco”) in response to Petitioners’ (“Burford”) letter of Friday, ECF No. 14 (“Letter”) supplementing Burford’s response to Sysco’s pre-motion letter seeking leave to move to transfer this proceeding.<sup>1</sup>

Burford’s letter discusses a recent decision by Judge Durkin of the Northern District of Illinois (“IL Court”) declining to accept reassignment from Judge Pacold (of the same court) of Sysco’s pending Illinois petition. That decision concerned assignment between two judges *within* the IL Court and does not support denial of transfer of this proceeding to the IL Court. Critically, the reassignment decision had nothing to do with whether Sysco’s Illinois petition or Burford’s New York petition was first filed, a potentially dispositive issue with respect to transfer motions. That question is squarely before Judge Pacold in the form of Burford’s motion to dismiss Sysco’s undeniably earlier-filed petition and, as Burford noted, that motion has now been fully briefed. Should the IL Court reject Burford’s motion and thus definitively establish the Illinois action as first filed, this Court should transfer this action to the IL Court. That would be consistent with the weight of authority, contrary to Burford’s misstatements of the law regarding the impact of a first-filed motion, particularly given the

<sup>1</sup> Burford’s Letter goes far beyond concisely bringing to the Court’s attention short “supplemental authority” but appears more designed for media consumption. Sysco disagrees with Burford’s mischaracterizations of both the facts and the decision it addresses, but will refrain from burdening the Court with a rebuttal on issues not relevant to Sysco’s request for leave to file a motion to transfer.

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undeniable relationship between the negotiation, performance and subject matter of the contract at issue and the IL Court.

Respectfully submitted,

/s/ Jeffrey A. Rosenthal

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